

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

JORGE GAMBOA, Individually and §
On behalf of All Wrongful Death §
Beneficiaries of ELIAS GAMBOA §
MEZA, Deceased §
Plaintiffs §
v. §
WALGREEN NATIONAL §
CORPORATION d/b/a WALGREENS §
Defendants §

CIVIL ACTION NO. _____

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW, Defendant WALGREEN COMPANY (incorrectly sued as Walgreen National Corporation), and file this their Notice of Removal, and in support thereof would respectfully show this Court as follows:

I. State Court Action

1. The above-styled cause was initially brought in the 370th Judicial District Court of Hidalgo County, Texas. The State Court action is styled Cause No. C-5668-16-G, Elias Gamboa Meza v. Walgreen National Corp. d/b/a Walgreens, In the 370th Judicial District Court of Hidalgo County, Texas.

II. Parties

2. Plaintiff Jorge Gamboa is an individual and resident of San Antonio, Bexar County, Texas.

3. Defendant Walgreen Company (hereinafter "Walgreens") is a foreign for-profit corporation incorporated in the state of Illinois.

III. Jurisdiction

11. This Court has jurisdiction over the subject matter of this cause, pursuant to 28 U.S.C.A. §1332 because this is a civil action in which the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is in between citizens of different states (Texas and Illinois). The Plaintiff admits in his Original Petition in State Court that Walgreens is a foreign corporation to the State of Texas and that he is a Texas resident. Furthermore, though the Plaintiff has not pled a specific amount of damages, this is a wrongful death case and the amount in controversy will certainly exceed \$75,000.00.

IV. Timeliness

14. Defendant Walgreens was served with process and Plaintiffs' Original Petition on December 27th, 2016. Thirty days have not elapsed since Defendant was served with Process.

16. There are no other Defendants in this matter.

17. Pursuant to 28 U.S.C.A. §1446, this Notice of Removal is timely and proper.

V. Attachments

18. Accompanying this Notice of Removal as collective Exhibit A are the following documents:

- i. An index of matters being filed;
- ii. All executed process in the case;
- iii. Pleadings asserting causes of action;
- iv. Defendant's Original Answer
- v. The docket sheet; and
- vi. A list of all counsel of record, including addresses, telephone numbers, and parties represented.

VI. Conditions Precedent

19. Defendant has tendered the filing fee to the Clerk of the United States District Court for the Southern District of Texas, McAllen Division, along with the original Notice of Removal. A copy of this Notice of Removal is also being filed in the 370th Judicial District Court of Hidalgo County, Texas and all counsel of record are being provided with complete copies.

Accordingly, Defendant respectfully requests that the above action, now pending in the 370th Judicial District Court of Hidalgo County, Texas, be removed there from to this Court. Defendant further requests any and all other relief to which they may be entitled.

Respectfully submitted,

/s/ David G. Oliveira

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CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of January, 2017 a true and correct copy of this Notice of Removal has been forwarded to all counsel of record by certified mail and facsimile transmission.

/s/ David G. Oliveira
DAVID G. OLIVEIRA